

-Remarks-

Amendments.

Applicants respectfully request entry of the above amendments and reconsideration and withdrawal of the rejection of the claims remaining after amendment, i.e., claims 1, 6 and 13. Applicants further request that the Examiner rejoin withdrawn claims 19 - 27 since all of the methods asserted by those claims are methods of treating respiratory diseases, disorders or conditions and are enabled by the specification. Applicants submit that all claims canceled or amended have been canceled or amended without waiver or prejudice to further prosecution. Applicants reserve the right to file divisional or continuation applications directed to the canceled subject matter of this application.

The restriction requirement.

During a telephone conversation with the Examiner, the undersigned attorney for applicants, at the request of the Examiner, elected the compound of Formula 8.5.5, which is the third compound appearing in the table on page 106 of the specification. The Examiner constructed Group I as a genus encompassing that compound within the scope thereof. The undersigned attorney provisionally elected that group, i.e., Group I, during said telephone conversation. Applicants hereby maintain the election of Group I, now without traverse, directed to portions of claims 1 - 13.

Information Disclosure Statement.

The Examiner has stated that the information disclosure statement submitted with the filing of this application was incomplete. Applicants have re-submitted the information disclosure statement and the form 1449 along with a copy of each of the references.

The 35 U.S.C. §112, first paragraph rejection.

The Examiner has rejected claims 1, 3, 4 and 5 under 35 U.S.C. 112, first paragraph, because the specification is, according to the Examiner, enabling only for those Z substituents given in the Examples and does not reasonably provide enablement for all of the various Z moieties defined in the claims. Applicants submit that all of the Z groups are enabled in the specification. However, in the interest of expediting prosecution, Applicants have amended claim 1, without waiver or prejudice, to limit the scope of the definition of Z. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §112, rejection of claim 1, the only remaining claim rejected under this section.

The Double Patenting rejection.

The Examiner has provisionally rejected claims 1 - 13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 13 of co-pending Application No. 10/062,811 (PC11895) and 10/066,503 (PC11896). Applicants have enclosed a terminal disclaimer herewith. Applicants respectfully request that the Examiner reconsider and withdraw the obviousness-type double patenting rejection of the claims remaining in this application, i.e., claims 1, 6 and 13.

-Conclusion-

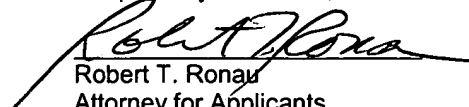
Applicants, having responded to all points and concerns raised by the Examiner, believe that this application is in condition for allowance. An early and favorable action is respectfully requested.

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Respectfully submitted,


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